

REMARKS/ARGUMENTS

Favorable consideration of this application in light of the following discussion is respectfully requested.

Claims 12-20 are pending in the application.

In the outstanding Office Action, Claims 12-14 and 19-20 were rejected under 35 U.S.C. § 102(b) as being anticipated by Salmela (U.S. Patent No. 5,805,996); Claim 18 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Salmela in view of Keskitalo et al. (U.S. Patent No. 5,966,670); and Claims 15-17 were indicated as allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicants gratefully acknowledge the indication of the allowable subject matter.

Applicants acknowledge with appreciation the personal interview between the Examiner and Applicants' representative on February 25, 2003. During the interview, the Examiner acknowledged that Salmela does not disclose or suggest all the features in Applicants' independent claims.

Briefly recapitulating, Claim 12 is directed to a method of distributing communications established by radio-communication terminals, within a geographic cell of a radio-communication network, where the geographic cell is sub-divided into at least two geographic sectors. The improvement comprises rotating an orientation of at least one of the at least two geographic sectors if a) a total transmission rate of one of the at least two geographic sectors is greater than a predetermined total transmission rate, or b) a number of links established in one of the at least two geographic sectors is greater than a predetermined number of links. With Applicants' invention, loads may be more effectively shifted and shared in a mobile network.

Salmela discloses a network of base stations with non-rotating antennas. The network also includes at least one base station with a rotating antenna having a single beam sector. The rotatable single beam sector is rotated to cover a sector of one of the non-rotating antennas.¹ The beams may be shifted as per a schedule² or in response to a predetermined load condition.³ However, as acknowledged during the interview, Salmela does not disclose or suggest rotating an orientation of at least one of at least two geographic sectors as claimed in Applicants' amended Claim 12. In Salmela there is no re-balancing among sectors of an individual base station. Instead, a rotating, spare base station is used to off-load traffic from a non-rotating base station.

At least because Salmela does not teach or suggest Applicants' recited rotation of at least one of at least two geographic sectors, Applicants submit the inventions defined by Claim 12, and all claims depending therefrom, are not anticipated or rendered obvious by the asserted prior art for at least the reasons stated above.⁴

¹ Salmela, Figure 1.

² Salmela, column 4, lines 16-27.

³ Salmela, column 4, lines 28-31.

⁴ MPEP § 2142 "...the prior art reference (or references when combined) must teach or suggest **all** the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991)."

Accordingly, in light of the previous discussion, Applicants respectfully submit that the present application is in condition for allowance and respectfully request an early and favorable action to that effect.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Customer Number
22850



Gregory J. Maier
Attorney of Record
Registration No. 25,599
Michael E. Monaco
Registration No. 52,041

Tel: (703) 413-3000
Fax: (703) 413 -2220
GJM/MEM/kkn
I:\ATTY\MM\AMENDMENT\0057\203014.AM.DUE APRIL 30.FINAL.DOC